

## **COMMISSION MEETING MINUTES**

Indiana Fire Prevention and  
Building Safety Commission  
Government Center South  
302 West Washington Street  
Indianapolis, Indiana 46204  
Conference Room B

August 7, 2012

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Vice- Chairman Ogle at 9:03 a.m. on August 7, 2012.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner  
Ron Brown  
Michael Christoffersen  
Tom Cloud  
Michael Corey  
Hattie Sims, representing the Commissioner, Department of Labor  
John Hawkins  
Todd Hite, representing the Commissioner, Department of Health  
Matt Mitchell  
Ted Ogle, Vice-Chairman

Commissioners not present at the Commission meeting:

David Hannum, Chairman

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services:

Mara Snyder, Director, Legal and Code Services  
Shelly Wakefield, Manager, Code Technical Development  
Denise Fitzpatrick, Code Specialist  
John Hibner, Code Specialist  
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

Mara Snyder, Director, Legal and Code Services announced that a new recording system was being used, and asked the Commissioners and attendees to please pay careful attention to the wires within the Commissioners' square. She also called attention to the several agenda addenda at each Commissioner's seat.

## **2. Old Business.**

A call for any corrections or a motion to approve the minutes of the July 3, 2012 meeting as distributed was made. Commissioner Corey moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

Vice-Chairman Ogle took a moment to send congratulations to the Henryville Schools for being up and running so quickly, and for being able to open their doors for the first day of this school year on time.

## **3. Ordinances**

Greenwood Open Burning Ordinance No. 12-29  
Greenwood Open Burning ordinance No. 12-15  
Greenwood, Indiana

Mara Snyder, Director, Legal and Code Services, advised the Commissioners that the ordinances contained some slightly more stringer provisions concerning open burning, but otherwise were in order and recommended approval. Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

## **4. Variances.**

### **Tabled Variances.**

Variance 12-03-46 The Awakening Community Church, Huntington, had been withdrawn by the proponent. The proponent for variance 12-05-12 The Well, United Brethren in Christ Church Renovation, Huntington, had requested it be tabled. Commissioner Christoffersen moved to table, with the second by Commissioner Corey. It was voted upon and carried. Ed Rensink, RTM Consultants, spoke as proponent for variance 12-06-41 The Warehouse by the Family Center, Bloomington. He provided new drawings which introduced an additional area outside of that for which they had a variance, requesting to use it for basketball and other youth sports, for an undetermined length of time. Walter Knaepple, Fire and Building Code Enforcement, had found the walls and restroom built without a CDR during an inspection for an A&E permit. The sprinklers had also not been inspected. Mr. Rensink asked that the application be tabled. He had been unaware of some of the issues brought forward and wished to speak to the owner. Commissioner Mitchell moved to table with the condition they abide by the December variance and bring back more specific dates for compliance. Commissioner Corey made the second. It was voted upon and carried. Ron Peterson, Department of Natural Resources Engineering Department, spoke as proponent for variance 12-07-2 IN Department of Natural Resources Office Remodel, Ferdinand. He had provided new plans which showed the location of the fire barriers. He had been unable to find any record of the change of occupancy for the building, and he reported they were storing office supplies and educational materials on the 2<sup>nd</sup> floor. He also noted the exterior stairs were to be moved from one end of the building to the other to provide a second exit for the sleeping room. The existing exit door to the stairs would be sealed. Following discussion, Commissioner Brenner moved to approve with the second by Commissioner Christoffersen. It was voted upon and carried with one nay vote. Variance 12-08-13 Indiana Department of Corrections Farm Dining Facility, Greencastle, was moved forward on the agenda due to a schedule conflict of the proponent. Kevin Orme, Director of Construction Services, Indiana Department of Corrections, spoke as proponent. Also present was Superintendent Knight. The request was to be allowed to install egress doors locks in the dining facility to avoid unrestricted egress to one of two main gates for the facility. The situation was the result of a designer's error when the building was filed and released as an A-3, instead of an I-3 and was overlooked until after construction. The doors of the fully sprinklered facility would be fitted with passageway double key deadbolt locks. Each staff member working in the area would have a single key on their welded-shut key ring that would allow for immediate egress, and a master set of keys would be maintained in the facility

control center for use by fire departments called in on a mutual aid request. Following discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 12-07-8 New Beginnings Ministries of Wabash County Methodist Church Renovation, Wabash, had been withdrawn by the proponent. Variance 12-07-9 LaPorte Apartment Renovation, LaPorte, had been withdrawn by the proponent. Robert Stacherski, architect, spoke as proponent for variance 12-07-10 Indiana Wesleyan University Academic Building #2, Marion. A stairway to the north is a compliant, enclosed stairway. The stairway to the south opens to an atrium on one side of the first, second and third floors. The request was to be allowed to use fire shutters, activated with the fire alarm, to close the fourth side of the south stairway, thereby creating the fire barrier exit stair enclosure. Smoke detectors were to be provided at all stair shaft openings. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried with one nay. Doug Trent, RTM Consultants, spoke as proponent for variance 12-07-30(b)(c) Anthony Wayne Building Renovations, Ft. Wayne. An existing building was being converted to condominiums on several floors, and office space on the 7<sup>th</sup> floor. Since the open parking garage is not sprinklered on floors 2 through 6, the building is not considered fully sprinklered and the corridor of the 7<sup>th</sup> floor would have to be rated construction. This would prevent the use of glass doors or sidelights, thereby affecting the ability to lease the offices. The building passed a Chapter 34 study, but it was decided to pursue the variance instead. The building was of Type 1A Construction, and floor assemblies are 2-hour. The proponent stated they plan to have it all sprinklered within a year. Following discussion, Commissioner Hawkins moved to approve both (b) and (c), with the second by Commissioner Christoffersen. It was voted upon and carried. Variance 12-07-38 Ben Davis High School Dad's Club Concession Building, Indianapolis, had been withdrawn by the proponent. Variance 12-07-45 The Other Pub, Lafayette, was represented by Jason Lunderman, Gordon Lavers, and Lisa Birmingham of Comcast Cable. Representing the Lafayette Fire Department were Ron Ritchey and Dave Thomas. The owner wanted to use the Comcast lines for both their telephone service and their fire alarm service. The local fire department inspector determined that the system did not comply with the requirement of NFPA 72, 2002 edition as currently adopted in Indiana, and a variance would be required to allow use of the system. The representatives of Comcast felt the system did comply since NFPA 72 was silent on new technologies. The proponents explained how the Business Class Voice (BCV) used an embedded adaptor installed on the customer's premises, and when managed by their network, would provide the same functionality as the plain old telephone services (POTS). It would pass dialer formats unchanged, preserve line seizure to allow the alarm to override the phone line even if the phone is in use, and is e-911 compliant. The BCV included 8-hour battery back-up. Chief Ritchey was not opposed to the system, but felt the system did not comply with NFPA 72, 2002 edition and needed a variance. Following a lengthy discussion, Commissioner Mitchell moved to approve the application as submitted, with the second by Commissioner Corey. It was voted upon and carried with two nays.

**Breaking and reconvening.** Vice-Chairman Ogle recessed the Commission at 10:22 a.m. It was called back to order at 10:36 am.

Regular Variances.

Vice-Chairman Ogle asked for any abstentions or variances to be called out of the block vote. Commissioner Christoffersen called out 12-08-55, MacDonald Machinery Company Inc, Ft. Wayne. Commissioner Hawkins advised that he was abstaining from 12-08-10, Stalker School Apartments, Bedford, and called out 12-08-04(b) Kiefer Enterprises Inc, Greenwood. Commissioner Mitchell advised that he was abstaining from 12-08-14, SMC Corporation of America, Noblesville. Commissioner Christoffersen advised that he was abstaining from 12-08-55, MacDonald Machinery Company Inc, Ft. Wayne, 12-08-21 Ohneck Residence, Ft. Wayne, and 12-08-38 Talon Restoration and Cleaning, New Haven. Commissioner Corey advised that he was abstaining from 12-08-1, Indiana Wesleyan University Academic Building #2, Marion. Commissioner Corey then moved to approve all other variances with an "A" or "B" rating by staff, with the second by Commissioner Christoffersen. It was voted upon and carried.

The following variances were approved as submitted:

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|-----|----------|--|
| (1) | 12-08-1  | Indiana Wesleyan University Academic Building #2, Marion |
| (2) | 12-08-2  | 1702, 1719, 1737, 1739 N. Lincoln Windows, Bloomington   |
| (3) | 12-08-3  | 513-519 E. 2 <sup>nd</sup> Street Windows, Bloomington   |
| (4) | 12-08-6  | 506 Northlane Drive Windows, Bloomington                 |
| (5) | 12-08-8  | Sam's Club #8169, Lafayette                              |
| (6) | 12-08-14 | SMC Corporation of America, Noblesville                  |
| (7) | 12-08-16 | The Boulders at Deer Park Windows, Bloomington           |
| (8) | 12-08-17 | Edinburgh High School Lift, Edinburgh                    |

- (9) 12-08-19 1401, 1403 N. Lincoln Street Windows, Bloomington
- (10) 12-08-20(a)(b)(c) Meadow Creek School, Webster
- (11) 12-08-22 2360 S. Henderson Windows, Bloomington
- (12) 12-08-29 Angela Mia Pizza Shop Hood, Indianapolis
- (13) 12-08-30 Franklin Electric World Headquarters, Ft. Wayne
- (14) 12-08-31 8335 Keystone Crossing Office Building, Indianapolis
- (15) 12-08-35 The Park on 11<sup>th</sup>, Bloomington
- (16) 12-08-37(a)(b) NW Monroe County YMCA, Bloomington
- (17) 12-08-39 Seymour Public Works Garage, Seymour
- (18) 12-08-42 Woodlan K-12 School, Woodburn
- (19) 12-08-43 AIL Deer Creek Assisted Living Facility, Schererville
- (20) 12-08-47(b) Heritage K-12 School, Monroeville
- (21) 12-08-49 IU Health Saxony Hospital EMT Crew Quarters, Fishers
- (22) 12-08-51 Illinois Place, Indianapolis
- (23) 12-08-53 5855 E. Washington, Indianapolis
- (24) 12-08-56 Burket United Methodist Church Fair Concession Stand, Warsaw
- (25) 12-08-57 Allen County War Memorial Coliseum Fire Hose Removal, Ft. Wayne
- (26) 12-08-59 328 South Grant Street Unit B Sill Height, Bloomington
- (27) 12-08-60 332 South Grant Street Unit B Sill Height, Bloomington

The following variances were heard separately:

- (28) 12-08-4(a)(b) Kiefer Enterprises Inc, Greenwood

No proponent was available for questions. Commissioner Brenner moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (29) 12-08-5(a)(b) Social and Learning Institute Addition, Michigan City

Roger Potratz, architect, spoke as proponent. Also presenting was Tabb Gesse, President, Board of Trustees. The project had been submitted as a B occupancy under the 2008 Building Code, Section 304.1, Educational Occupancy. A Standard Release had been issued, then suspended, and the occupancy changed to an I-4 by the Plan Reviewer Del Schroeder when he issued a request for additional information. The change of occupancy was questioned by the architect. Dean Illingworth, State Building Commissioner, addressed the Commission and stated he felt the I-4 was correct, as did Bonnie Robison, Plan Review Director. Mr. Gesse stated he felt the facility was a school and not an institution. Classes are held three days per week from 10am to 3pm. They do arts and crafts projects, listen to music, go to the library, take field trips, and have a social experience they might otherwise miss if left at home in front of the television. A school volunteer who is a fireman conducts fire drills twice a year, and stated they do better in following direction and remaining calm than most "average" students, exiting the building in two minutes. Marc Reynolds, Fire and Building Code Enforcement, stated he had been a special needs teacher, and that he had grave concerns they could successfully exit the building without assistance from staff. Mr. Gesse noted that the school did not now have, nor have plans to admit in the future, students who are physically disabled since they did not have staff to devote to special care. Following a lengthy discussion of what constitutes a "B" occupancy, an "E" occupancy and an "I" occupancy, Commissioner Christoffersen stated he thought the occupancy should be an "E", and that no variance was required for both (a) and (b). Commissioner Brenner made the second. It was voted upon with a show of hands and passed with a vote of 5 to 4.

- (30) 12-08-7 Liberty United Methodist Church Basement Chair Lift, Shelbyville

Ben Ross, Ratio Architects, spoke as proponent. The application was missing original signatures, and the proponent promised they would be in the hands of staff by Monday. The Commission agreed to that condition and heard the application. The small, rural church had a stairway into the basement which was built in 1949 under the 1945 Indiana

Building Rules and Regulations. Some parishioners did not have access to the space, and it was decided to install a chairlift connecting the vestibule to the basement level, leaving a clear width on the stairway of 29½" to 31". A second existing stairway was not impacted by the proposed work. Following discussion, Commissioner Corey moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

(31) 12-08-9 Karl Kunisch Building Remodel, Middlebury

Karl Kunisch, owner, presented the application. An existing barn was being converted into a banquet and reception facility, available for seasonal use from April through October. The request was to omit the required sprinklers. There were nine means of egress for the 5,000 square foot facility and the fire area is at the level of exit discharge. City water was not available at the site, and, in addition to the cost involved, the owner feared pumps and waterlines would detract from the facility's marketability. Commissioner Hawkins asked Mark Barr, architect, if a Chapter 34 study had been done. It had not. Commissioner Christoffersen moved to table, with the second by Commissioner Corey. It was voted upon and carried.

A request had been made by Tim Callas to move three projects forward on the agenda. Both he and Commissioner Cloud were scheduled to leave the meeting at noon. The Vice-Chairman allowed the request.

(32) 12-08-33 Camp Lutherhaven New Cabin Buildings #2 and #3, Albion

Tim Callas, J & T Consulting, spoke as proponent. The request was to use a 13-D sprinkler system, as had been approved for use in a previous variance, in these additional cabins for this facility. In response to questions by staff, the proponent stated the camp was located atop an aquifer and was not experiencing water issues during this period of drought. Commissioner Brown questioned why the use of the 13-D system had been placed in a C category by staff. Mara Snyder, Director, Legal and Code Services, explained that the cabin was larger than those previously considered and she felt the Commission should discuss the increase in size. Commissioner Christoffersen expressed concern over the number of occupants and square footage they have been seeing in the applications lately. It was decided that applications with an occupant load of 20 or less, 2,000 square feet or less and in a rural setting requesting the use of a 13-D system would be eligible for the B rating. Commissioner Brown moved to approve, with the second by Commissioner Christoffersen. It was voted upon and carried.

(33) 12-08-40 Maysville Landing Senior Villas Buildings 1-9, Phase 1, Ft. Wayne

Tim Callas, J& T Consulting, spoke as proponent. The request was to allow the use of the 13-D in this 4-plex housing unit. The fire department had sent a statement saying they would abide by the Commission decision, but they would strongly request a one-hour separation between units and two exits from each unit be required. Per the proponent, the one-hour separations are currently provided, but the additional exit was not something he could agree to without speaking to the owner as it would require redesign work. Commissioner Corey moved to table to allow the proponent time to research the exiting options, with the second by Commissioner Christoffersen. It was voted upon and carried.

(34) 12-08-64 Interactive Academy Classroom Addition, Zionsville

Tim Callas, J&T Consulting, spoke as proponent. An existing Type IIIB construction building was to have an addition of 5,244 square feet. The request was to omit the required two-hour rated construction to protect the columns. Both the existing facility and the addition are sprinklered, and each classroom had an exit directly to the exterior. Following discussion, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

(35) 12-08-10 Stalker School Apartments, Bedford

Ed Rensink, RTM Consultants, spoke as proponent. An historic school, built in 1899, was being converted to apartments. A Chapter 34 study had been done and a variance was needed for vertical openings. The 4<sup>th</sup> level attic will not be finished out, so the stairway will be connecting three stories. The request was to allow the upper two levels of the stairway to be protected by draft curtains and an enclosure on the lowest level which is not fully rated due to the historic nature of the building. Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Commissioner Hawkins abstained.

(36) 12-08-11 Rushville Corn Treater Expansion, Rushville

Michael Lewis, architect, spoke as proponent. Also present was Kenny VanArsdal with Pioneer. An existing facility was to have an addition which would exceed the area allowed for a non-sprinklered building. The request was to omit sprinklers. The use of a fire barrier would interfere with the production process. The process involves machinery which may damage the sprinkler heads, and water run-off from sprinkler flow may include fungicide, insecticide and other chemicals used in the facility, contaminating ground water. A dust-collection system, fire alarm and smoke alarm systems are to be in place. The 9 employees are familiar with the facility and the exiting. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried with 2 nays.

(37) 12-08-12 Academy for Innovative Studies Security Barriers, Evansville

This had been withdrawn by the proponent.

(38) 12-08-15 North Jr/Sr High School Fire Retardant Project, Evansville  
12-08-18 Perry Heights Middle School Fire Retardant Project, Evansville

The proponent had requested the applications be tabled. Commissioner Corey moved to table, with the second by Commissioner Christoffersen. It was voted upon and carried.

(39) 12-08-21 Ohneck Residence, Ft. Wayne

Rob Wacker, Windsor Homes, spoke as proponent. A violation had been written for a mechanical room over the garage which served a studio and upstairs bedrooms on the second floor of the house. The inspector determined that, under the current code, the studio was to be considered part of the garage and that the return air was from the garage. A steel door separated the second floor studio, bedrooms and hallway from the garage area. The proponent felt this arrangement would be no different than the first floor living space of the house with an opening into the garage. Commissioner Hawkins moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

**Breaking and reconvening.** Vice-Chairman Ogle recessed the Commission for lunch at 12:15 p.m. It was called back to order at 1:12 p.m.

(40) 12-08-23 E.F. Marburger Warehouse Addition, Fishers

Dennis Bradshaw, FP&C Consultants, spoke as proponent. An existing building and addition would not meet the code requirements for fire department access roads. The addition was to be sprinklered, a hydrant installed, and standpipes added to the 1995 and the 2002 additions. An additional door was to be provided on the north side as well. Don Graber, Fishers Fire Department, asked that they not be permitted to use high-piled combustible storage. Following discussion, Commissioner Mitchell moved to approve with the condition that there be no high-piled combustible storage. Commissioner Christoffersen made the second. It was voted upon and carried.

- (41) 12-08-24 The Alexander Hotel, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow 2 fire pits in a second floor outdoor bar seating area partially covered by a sprinklered canopy installed 18 feet above the seating area. The burner components will meet national standards for piping, installation, and UL approved components. Following discussion, Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (42) 12-08-25 Harris & Ford Building #2, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the building to be classified as unlimited area without having full 60' clearance on west and south sides, and walls on these two sides will be 2-hour rated. The building will be protected with an ESFR sprinkler system. Kyle Gottschammer, City of Lawrence, also addressed the Commission. He requested that the wall on the west side of the building be upgraded to a 4-hour wall. Following further discussion, Commissioner Hawkins moved to approve with the west wall upgraded to 4-hour rated wall and a copy of revised application sent to Mr. Gottschammer. Commissioner Mitchell made the second. It was voted upon and carried.

- (43) 12-08-26 451 Market Street, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. At a previous meeting, the proponent had agreed to a condition on a variance to have  $\frac{5}{8}$ " Type X drywall applied to the ceilings on the second floor. The designers have changed their plans and now wish to have the waffle slab used as a design element of the apartments. The structure was found to be 2-hour instead of the 1½ hour as previously thought, and drywall was to be installed on all ceilings except in the living rooms and bedroom of the units. Commissioner Christoffersen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

- (44) 12-08-27 Eigenmann Hall Elevator, Bloomington

Steve Walter, Indiana University, spoke as proponent. The elevator had been installed in a 2003 renovation to replace a chair lift for a 36 inch difference in levels within the building. The design did not provide a means of access to the top of the car, and the existing structure of the building now makes full compliance impossible. Maintenance is provided by the in-house elevator shop. The elevator had been cited in 2009 for no access to the top of the elevator, and alternatives were discussed. Commissioner Corey moved to deny with the second by Commissioner Brenner. Following further discussion, the motion was withdrawn by the maker and second. A motion was then made by Commissioner Christoffersen to table to allow the proponent time to explore alternatives for access, and the second was made by Commissioner Hawkins. It was voted upon and carried.

- (45) 12-08-28 Elanco Global Headquarters Expansion, Greenfield

The proponent had requested the application be tabled. Commissioner Christoffersen moved to table, with the second by Commissioner Brenner. It was voted upon and carried.

- (46) 12-08-32 Where Else Bar, West Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. The current tenant was replacing an A-2 occupancy with an A-2 occupancy, but the original A-2 had been changed from a B without going through the proper filing procedures and compliance with necessary code requirements. The request was to allow the current tenant to occupy the space as an A-2 without fully complying with Chapter Five allowable area limits and Chapter Nine fire area limits of the current codes. Two-hour fire barriers were to be provided on each side of the tenant space. A fire alarm system was also to be installed.

Three exits are provided directly to the exterior with a travel distance of 56 feet. Mike Frances and Toney Shutter, West Lafayette Fire Department also addressed the Commission, and expressed concerns about the possible occupant load of the bar due to its proximity to the university, and the location of the tenant in the center of the mall. There was to be no kitchen and no smoking was to be allowed. There was to be 120" of exit width available. Following further discussion, Commissioner Hawkins moved to table to allow the proponent time to gather cost information for the sprinkler system and the total project, with the second by Commissioner Corey. It was voted upon and carried.

(47) 12-08-34 Berea Mennonite Church Fellowship Hall Addition, Cannelburg

Ed Rensink, RTM Consultants, spoke as proponent. An existing building, not served by a public water supply, was to have a fellowship hall addition of 9,775 square feet. The request was to omit sprinklers required by the calculated occupant load. The addition was to have a fire alarm system and a full smoke detection system. Three exits would go directly to the outside, and the existing kitchen would be separated by a 2-hour fire wall. Commissioner Brenner requested two additional exits, one in each of the northwest and northeast corners of the addition, and the proponent agreed. Commissioner Brenner then made a motion to approve with the condition of the two additional exits. Commissioner Corey made the second. It was voted upon and carried.

(48) 12-08-36 Ribeyre Gymnasium Renovation, New Harmony

The proponent had withdrawn the application.

(49) 12-08-38 Talon Restoration & Restoration, New Haven

Ed Rensink, RTM Consultants, spoke as proponent. The building was to be built at the rear of the lot to provide space for storage and a vehicle bay for service trucks. An apartment would be built inside the facility as well. The request was to omit the sprinkler system. A 2-hour separation would be provided between each of the three occupancies within the structure. The apartment has an exit directly to the exterior, and each sleeping room was to have egress windows. Interconnected smoke detectors were to be provided in the bedrooms and common areas. Heat detectors were to be installed in the commercial storage areas that will sound an alarm in the apartment as well. Commissioner Brenner moved to approve with the condition that the apartment be owner-occupied. Commissioner Corey made the second. It was voted upon and carried with one nay vote. Commissioner Christoffersen abstained.

(50) 12-08-41 First State Office Building Restroom & Kitchen Upgrades, Corydon

Christina Collester, RTM Consultants, spoke as proponent. The building, which housed the first Indiana State Office Building, serves as a museum. The service utility room had been added, and then upgraded in 2006. Since it would be impossible to move the electrical panel due to space and cost restrictions, the request was to allow the existing obstruction of the working space in front of the panel to remain. Signs would be posted indicating limited working clearance, and people working in the area would be familiar with the restrictions. Commissioner Christoffersen moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

(51) 12-08-44 Sycamore Farms Event Center, Bloomington

The proponent had requested the application be tabled. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.



(52) 12-08-45 Stadium Lofts, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. A 2 inch layer of Styrofoam was to be inserted between the layers of sound deadening boards and OSB boards in a UL listed 1-hour rated floor-ceiling assembly. There was no method available to test the modified assembly to gather data proving the fire-rating had not been reduced, thereby making a variance necessary. The Styrofoam was to be used to help deaden sound, and was being placed in such a manner that it would not impact the performance of the rated assembly. The building was to be protected with a 13R sprinkler system. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(53) 12-08-46 Crop Production Services Distribution Center, Tipton

Doug Trent, RTM Consultants, spoke as proponent. The facility serves as an agricultural products distribution center. Flammable and combustible products in the H-4 facility, spread out within the building and site, are to be amounts smaller than that allowed within a control area. The request was to omit the sprinklers due to a possible health hazard and the absence of a fire hazard. There was no public water supply available at this facility, and sprinkler discharge could contaminate the ground water. The company has containment policies in place, and high-piled storage was not allowed. A fire alarm system would be provided. Travel distance within the building is a maximum of 100 feet, and it is easily accessible for firefighters. Matt Lester, General Manager, also addressed the Commission. Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried with one nay vote.

(54) 12-08-47(a) Heritage K-12 School, Monroeville

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The facility was to build three separate additions to the building. The largest addition was to be sprinklered and separated with a 2-hour fire barrier from the existing building. The two smaller additions were to be separated with 2-hour fire barriers, but not sprinklered. Smoke detectors were to be added to the additions. Masonry exterior walls were to be used as part of the separations. Costs of sprinklering the smaller additions were discussed. Commissioner Christoffersen moved to table to allow the proponent time to gather more cost information for sprinklering one of the smaller spaces that is adjacent to a portion that was to be sprinklered. Commissioner Corey made the second. It was voted upon and carried.

(55) 12-08-48 Franciscan St. Francis Health Education & Support Services Center, Greenwood

Ed Rensink, RTM Consultants, spoke as proponent. Vinyl-faced insulation had been installed within a return air plenum at the roof level when an existing building had been occupied by Alpine. The new occupant is now without documentation of flame spread and smoke development rating of the insulation, and wants to keep the structure as a return air plenum in the renovation. The facility was to be used as an education and administrative support facility. Sprinklers were to be installed above the plenums, and smoke detectors would be installed as well in the return air to shut down the system. Commissioner Christoffersen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(56) 12-08-50 Nature Lane Greenhouses, Shipshewana

Paul Kimmerlee, architect, and Noah Miller, owner, spoke as proponents. The request of the variance application was to either grant the greenhouse a variance from design snow load for a Class 1 structure, or determine that the greenhouse met the agricultural requirements for an exemption to the definition of a Class 1 structure. While the structure has a permanent foundation, it was used year-round for the growing of product sold in another structure on the property which is a Class 1 structure. Public would have access to the greenhouse only three months of the year. Commissioner Brenner moved that no variance was required, with the second by Commissioner Christoffersen. Following further discussion, a vote was taken and the motion was passed.

- (57) 12-08-52 Kivett Building – A to Z Auction House, Martinsville

Ed Rensink, RTM Consultants, spoke as proponent. The first floor of the existing building houses an antiques and collectible store which would like to start having auctions on Friday nights. This would constitute a change of occupancy, and the request was to be permitted to not comply with requirements for new construction or with Chapter 34. There are 3 exits directly to the exterior and a travel distance of less than 75 feet. A smoke detection system was to be installed which was to be connected to the smoke detectors in the common spaces of the second floor. The second floor apartments have access to two stairways, neither of which goes through the auction area. With the condition of a fire watch being posted during auctions and the appropriate number of fire extinguishers being installed on the first floor, Commissioner Brenner moved to approve with the second by Commissioner Corey. It was voted upon and carried.

- (58) 12-08-54 Monroe County YMCA Pool Replacement, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The facility received a variance to allow unlimited area building, but the discovery of some small second story areas disqualified it due to the 1-story restrictions in Section 507.6. The request was to allow the pool addition to be unseparated. The existing building and the addition are to be sprinkled. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hawkins. It was voted upon and carried.

- (59) 12-08-55 MacDonald Machinery Company Inc, Ft. Wayne

Michael Christoffersen, consultant, spoke as proponent. The facility is a one story, slab on grade utility storage building without electricity, HVAC or plumbing. There was no public water or sewer service on site. The request was to omit the required eyewash station, shower, restroom and drinking fountain from the building. The facility, classified as an S-2, was used for storage only and was not intended for a work space. It was felt to be a Chapter 29 issue. Bonnie Robison, Plan Review, stated that current code requires those items in an S-2, though an amendment proposal had been made. Commissioner Christoffersen felt that there's a problem with Chapter 29. Following a lengthy discussion, Commissioner Hawkins moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

- (60) 12-08-58 Evansville Museum of Arts, History and Science, Evansville

The proponent had requested that the application be withdrawn.

- (61) 12-08-61 Spanish Oaks Apartments / Urban Offerings, Indianapolis

- (62) 12-08-62 Beautiful Shades Events and Restaurant, Indianapolis

- (63) 12-08-63 PacMoore, Mooresville

The proponent had requested that the application be withdrawn

#### **4. Rule Re-adoption LSA Doc. #12-260**

Mara Snyder, Director, Legal and Code Services, explained that the LSA Doc. #12-260 was to readopt, without changes, some

Commission rules which were due to expire. Commissioner Brenner moved to approve LSA Doc. #12-260, with the second by Commissioner Corey. It was voted upon and carried.

**5 Administrative Cause No. 12-16 (Denial of Variance applications 12-05-4(c)(d)) Remand from Judge Bippus**

Otis Elevator Company  
Administrative Cause No. 12-16  
Denial of Variance  
Remand to the Fire Prevention and Building Safety Commission

**6 . New Business – General.**

Discussion and possible Commission action

After Five, Inc.  
Administrative Cause No. 11-22  
Suspension of CDR  
Nonfinal Order of Dismissal

Zeller Elevator Company  
Administrative Cause No. 12-05  
Order – Div. of Elevator / Amusement Ride Safety  
Notice of Nonfinal Order of Administrative Law Judge  
***Objection filed***  
***Request for Briefing Schedule Date***  
***Petitioner's Response to Request for Briefing Schedule Date***

Zeller Elevator  
Administrative Cause No. 12-10  
Order – Division of Elevator / Amusement Ride Safety  
Notice of Nonfinal Order of Administrative Law Judge  
***Objections filed***  
***Request for Briefing Schedule Date***  
***Petitioner's Response to Request for Briefing Schedule Date***

Princeton Auto Parke  
Administrative Cause No. 12-17  
Order – Fire and Building Code Enforcement  
Nonfinal Order of Dismissal

Cradles to Crayons  
Administrative Cause No. 12-13  
Order – Fire and Building Code Enforcement  
Nonfinal Order of Dismissal

It was decided to handle the Zeller Administrative Cause No. 12-05 and No. 12-10 first. After a briefing by Deputy Attorney General Schmidt as to what actions were available to the Commissioners, and a discussion of a time frame for action, Commissioner Corey moved that all briefings in the matter were to be submitted not later than September 17, 2012. Commissioner Christoffersen made the second. It was voted upon and carried. The remainder of the Nonfinal Order of Dismissal was then considered. Commissioner Hawkins moved to affirm, with the second by Commissioner Brenner. It was voted upon and carried.

**6. Discussion and Possible Commission action on petitions for review (Timely filed unless otherwise noted.)**

Amish Acres  
Order – Fire and Building Code Enforcement

Evansville Auditorium & Convention Center  
Order – Fire and Building Code Enforcement

Victory Theatre  
Order – Fire and Building Code Enforcement

PCS Hammond LLC Potash Storage  
CDR Conditions – Project #358349

Tom's Food and Fuel  
Order – Fire and Building Code Enforcement  
*Not timely filed*

Indianapolis School #67  
Order – Fire and Building Code Enforcement / Elevator Safety

JFS Milling Inc.  
CDR Conditions – Project #359047

Scott County State Bank, Austin Branch  
CDR Conditions – Project #359346

Care Animal Hospital  
Order – Muncie Fire Department

Park 41  
Order – Fire and Building code Enforcement  
*Not timely filed*

Commissioner Hawkins moved to deny those petitions not timely filed, with the second by Commissioner Corey. It was voted upon and carried. Commissioner Corey moved to approve the remaining petitions for review. Commissioner Christoffersen made the second. It was voted upon and carried.

**8. Comments**

Mara Snyder, Director, Legal and Code Services, thanked the Commissioners for their hard work and attendance. She stated that the public hearing for LSA Doc. #11-685 was scheduled for Sept. 6. She advised them of the link to Commission and

Building Law Compliance Officer Interpretations and Nonrule Policy documents that was now available on the Commission website. She drew their attention to the schedule of meetings and deadlines for 2013 and 2014.

**9. Adjournment.**

Vice-Chairman Ogle called for further business, and upon hearing none, adjourned the meeting at 4:27 p.m.

APPROVED \_\_\_\_\_  
David Hannum, Chairman